

PLANNING COMMISSION MINUTES

November 27, 2012

6:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Von Hill, Sharon Spratley, Sean Monson, Michael Allen, City Council Representative Beth Holbrook, City Manager/City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Chairman Tom Smith welcomed all those present and explained the purpose and procedures of the Planning Commission.

1. Approval of the minutes for November 13, 2012.

Beth Holbrook made a motion to approve the minutes for November 13, 2012 as amended. Sharon Spratley seconded the motion and voting was unanimous in favor.

2. Consider preliminary subdivision approval for The Pines at North Canyon located at 97 E. North Canyon Road, Brighton Homes, applicant.

Sharon Spratley recused herself from this item due to a conflict of interest. Patrick Scott, representing Brighton Homes, and Jim Williams, owner of the property, were present. Paul Rowland explained that Brighton Homes is proposing a 17 lot subdivision located on the north side of North Canyon Road at the intersection with Davis Blvd. The property is bounded on the east by 150 East, on the South East by Davis Blvd., on the south west by North Canyon Road and is currently owned by Jim Williams. The subdivision will require the construction of a short cul-de-sac, on which nine of the lots will front, with the remaining eight lots fronting the existing North Canyon Road and 150 East Street. There is currently a single home on the property which will stay on one of the lots fronting the new cul-de-sac. A large shed/barn located on the north side of the property is scheduled to be removed.

Mr. Rowland explained that all of the proposed lots meet the minimum requirements for square footage, frontage and setbacks. The developer has submitted a preliminary plat and is requesting two double fronting lots. Lot 13 is located in the point of land between Davis Blvd., 150 East and North Canyon Road, there is no way to divide the ground such that it is not double fronting. The other lot shown as double fronting, Lot 6, is a large lot on which the property owner wishes to build his own home. Mr. Williams owns a number of antique cars and wants to build a home with an upper and lower garage, with the lower garage accessed from a driveway out onto the cul-de-sac below. While producing a couple of lots that are slightly irregular in shape, the cul-de-sac can be shortened and a lot added thus eliminating the need for a double

fronting lot in that location. There does not appear to be a topographical hardship justifying a double fronting lot.

There is a strip of land along the west side of Lot 4 which the developer is currently in negotiations with the neighbor about purchasing. If the 30'+ strip is added to the property it will not change the overall subdivision and should not make any change to the preliminary approval findings.

With the increase in traffic that North Canyon Road has seen, and with the steep grade of the lots right at the back of the sidewalk, Lots 10, 11, and 12 are all designed with enough width to provide for either a circular driveway or some type of turn around so that vehicles do not have to back onto North Canyon Road. In order to avoid possible conflict and sight distance problems, Lot 13 will be required to have its drive entrance on 150 East Street as far north as possible.

Sewer, culinary water, and irrigation water are all available in North Canyon Road and 150 East and can be extended into the new cul-de-sac. All of the lots fronting existing roads can be served from the mains already located in the streets. Storm water runoff will be connected at the intersection of the new cul-de-sac and North Canyon Road and will be piped in a new concrete pipe to the intersection of 50 East and North Canyon Road, where it will connect into the existing street crossing. No detention is provided on site therefore the developer will be required to pay the storm water impact fee of \$2,100.00 per acre.

Currently there is no sidewalk along the existing roads, but will be required to be constructed as part of the subdivision construction. North Canyon Road has room for a six ft. wide sidewalk along the back of the existing curb, Davis Blvd. will have a four ft. sidewalk with a four ft. wide park strip, 150 East is a 50 ft. wide road and will have four ft. sidewalk with a four ft park strip, and the new cul-de-sac will be a standard 54 ft. wide road with four ft. sidewalk and a six ft wide park strip.

Because the proposed development is over 1 acre, it will require full compliance with all of the provisions of the Bountiful City Storm Water Ordinance. That will mean preparation of a SWPPP (Storm Water Pollution Prevention Plan), the posting of a storm water bond and obtaining a storm water permit.

Staff recommends preliminary approval of The Pines at North Canyon Subdivision with the following exceptions and conditions:

Exceptions:

Allow lot 13 to be double fronting between North Canyon Road and 150 East.

Conditions:

1. Any and all redlines be corrected.
2. Compliance with the Bountiful Storm Water Ordinance
3. Provide documentation that shows Lots 10, 11, 12 and 13 will have drive entrances as described above.

There was a lengthy discussion regarding the Bountiful City Ordinance on double fronting lots. With Lot 13, there is no way to divide the ground to eliminate a double fronting lot. The Commission agreed to allow an exception for Lot 13. With regards to Lot 6, there were mixed feelings about allowing a back yard in a cul-de-sac when all remaining lots will have front yards. The Commission members could not reach an agreement to appeal a double fronting lot when other alternatives could be made to meet the ordinance.

Councilman John “Mark” Knight stated that the Planning Commission has full discretion in this matter to make a recommendation for approval without giving any reason and that the City Council has approved or disapproved different items without giving any reasons. Mr. Knight asked to let Mr. Williams use his property as presented. He is creating a subdivision with 17 building permits for the City. He thinks it is advantageous to Bountiful City to get the property developed. He doesn’t want to have Mr. Williams withdraw his proposal because he can’t have a garage to store his antique cars on his own property.

Mr. Mahan stated that in his opinion if the Commission wants to approve the double fronting lot on Lot 6, then the ordinance needs to be amended. Options could include writing a different kind of an exception and repealing or modifying the ordinance. The cul-de-sac can be moved and there is a way for this project to meet the ordinance.

Von Hill made a motion to deny Lot 6 as a double fronting lot and to table this item to next week so the applicant can bring alternative drawings and proposals, or propose other language for exceptions or to repeal the ordinance. Michael Allen seconded the motion and voting was 5-1 in favor of the motion. Sean Monson voted Nay.

Beth Holbrook and Aric Jensen excused themselves from the meeting.

Sharon Spratley returned to the table for the remainder of the meeting.

3. Consider an amended subdivision plat approval for 305 N. Main, Brian Knowlton, applicant.

Christian Traeden, representative for Brian Knowlton, was present. Paul Rowland explained that Brian Knowlton is requesting a revised final plat approval for a mixed commercial/residential development at 305 N. Main Street. The Planning Commission and City Council originally granted final approval in September of this year.

Mr. Knowlton is not proposing any changes to the site plan or any physical aspect of the project. The request is to modify the boundaries of Unit 1 (the Smedley house) by extending them to Main Street, 300 North, and the north property line. The reason for the change is that the current Downtown zone and the Downtown Master Plan both require that new developments be built within 10' of Main Street. If the home were ever torn down, or if additional development were to occur on the site, it would have to occur adjacent to Main Street – an area that is designated as common area on the currently approved plat. The simple resolution to this dilemma is to approve the revised plat as attached, which would make the common area adjacent to Main Street and 300 North part of Unit 1, and thus buildable.

Staff recommends revised final plat approval for 305 N. Main P.U.D. with the following conditions:

1. All previous site plan conditions remain applicable and shall be met.
2. Make all redline corrections as indicated by staff.
3. Post the required bonds and pay required fees.
4. Provide the necessary plat documents ready for signatures.
5. Sign a Development Agreement with the City.

Michael Allen made a motion to recommend to the City Council amended subdivision plat approval for 305 N Main subject to the conditions outlined by Staff. Sean Monson seconded the motion and voting was unanimous in favor.

4. Consider adoption of Findings of Facts for the variance request from Kirk Christenson.

Seam Monson recused himself from this item due to a conflict of interest. Russell Mahan explained that he was not present at the hearing but has prepared the Findings based on the memo, facts and minutes. Mr. Mahan mentioned that Michael Allen had prepared some suggested changes to the Findings. Mr. Allen reviewed those changes which were incorporated into the Findings.

Von Hill made a motion to approve the Findings of Fact as amended. Dave Badham seconded the motion and voting was unanimous in favor.

5. Planning Director's report and miscellaneous business.

There was no further business to discuss.

Meeting adjourned at 7:00 p.m.